

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2609 of 2018

1. Gulshan Tripathi S/o Gopal Tripathi Aged About 22 Years R/o- Railway Colony Manendragarh, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
2. Anil Dhruw S/o Jawahar Dhruw Aged About 19 Years R/o- Talab Road Khamtarai Police Station- Sarkanda, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Virendra Tiwari S/o Gopal Tiwari Aged About 21 Years R/o- Gayatrinagar- Takhatpur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Kanha @ Anubhav Tiwari S/o Rajendra Tiwari Aged About 20 Years R/o- Kapilnagar Police Station Sarkanda, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- It's Police Station- City Kotwali, Bilaspur, District- Civil And Revenue, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

MCRC No. 3189 of 2018

- Anurag Tiwari S/o Late Suresh Tiwari Aged About 19 Years R/o Near Santosh Mandir, Torwa, Police Station District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicants : Mr. Rajendra Kumar Patel, Advocate.

For Respondent : Ms. K. Tripti Rao, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/05/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both these applications filed under Section 439 of the Code of Criminal Procedure, 1973 are second bail applications on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.107/2018 registered at Police Station- City Kotwali, Bilaspur, Civil & Revenue District – Bilaspur(C.G.) for the offence punishable under Sections 147, 148, 149, 323, 324, 307 & 506-B of the Indian Penal Code.
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicants are in jail since 24.2.2018. No case is made out under Section 307 of IPC against them. After completion of investigation, charge-sheet has been filed. Hence, it is prayed that they may be released on regular bail.
4. Learned State counsel opposes the bail application and submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. According to prosecution case, on the date of incident both these applicants along with other co-accused persons have formed an unlawful assembly with a common object to assault and injured the

complainant and in furtherance of common object of that assembly, one of them brandished sword like knife, chased injured Ankush and assaulted him. Complainant Ankush suffered incised wound on his left cheek and left ear. FIR was lodged by Manoj Kumar Meshram based on which investigation has been done. Hence, this case.

7. On perusal of the medical examination report of the injured, it is apparent that he has not received any injury on the vital part of his body. Although the treating doctor has stated that the injuries could be fatal but looking to the description of the injuries that the same are not sufficient to cause death of injured in ordinary course of nature, and also the fact that there is no criminal antecedent of these applicants, I am of this view that this is a fit case where applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha